

MINUTES OF THE FREMONT MEETING  
2:00 p.m., April 6, 1970  
Wayne County Courthouse, Loa, Utah

Judge Erickson opened the meeting with a statement that notices had been mailed March 18, 1970, informing all water users on the system that the meeting was being held and that they should be present or have a representative there so that their interests would be represented and protected at the meeting. He then explained that the purpose of the meeting was to discuss the distribution arrangement as established in 1969, the finances necessary to conduct the system, and the directions that the commissioner was given in distributing the water.

Judge Erickson then requested Mr. Donald Norseth to read the minutes of the meeting held April 1, 1969. There being no corrections or amendments, the minutes were approved as read.

Mr. Frank Reese then read the financial statement which showed that the system as of January 1, 1969, had \$1,140.67 in the fund and as of December 31, 1969, had \$1,074.20 in the fund. The budget in 1969 was established at \$2,400. with an assessment of \$2,000. \$2,083.99 had been expended. There are delinquent accounts on two water users on the system totaling \$105.55. After a little discussion and as there were no corrections, the financial statement was approved as read.

Judge Erickson then informed the group that on February 25, 1970, he received a letter from Garkane Power Company stating that they would no longer maintain their power plant in the Torrey area in that they would not divert any water or maintain water in the canal. This brought on a discussion as to the raising of assessments to the other water users in that Garkane Power Company had been paying approximately one-tenth of the budget. In addition, it was pointed out that some of the water users used the Garkane Power Canal as a method of diversion and that their water was carried in the canal. Some reservation was voiced as to the loss of water by diverting a smaller amount of water in the canal as it may back up and create a moss problem at the head. The involved water users were aware of the problem and believe that the smaller amount of water would not create a moss problem and that they had to use the canal. It was set out that they would use the canal.

Mr. Grant Chappell and Mr. Ken McKinney were assigned to study the situation and report back at the 1971 meeting on their findings. It was further assigned to them that in case an undesirable situation arose concerning the use of the canal in 1970, they were to act immediately and not wait to the end of the year.

It was established that there would be an assessment levied against Garkane Power Company in 1970 on their 1969 water use, but in the future this assessment would be discontinued.

Judge Erickson then requested information on an application from Les Little to appropriate 0.015 sec.-ft. from a well in Kane County that had been given him by the clerk of the court. Mr. Hubert Lambert stated that he did not know how or why the papers had been given to the clerk but that he would take them to Mr. Harold Donaldson for proper processing.

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Discussion then centered around a determination of water rights on the Fremont River, users expressing their opinion that it was needed. Mr. Lambert stated that the determination would not be lengthy if the office could possibly do it but pointed out that the manpower was not available and that it would be many years in the future before it could be accomplished. He further stated that he had been attempting to establish a Richfield Office where this determination could be done in a shorter time.

Thomas Parker representing the United States Park Service then stated that the Park Service had acquired the Gifford portion of the Fruita water rights as set forth in the Bates Decree. There was also some discussion of the problem the Park Service was having with Archie Bird over the use of a ditch that the Park Service had jointly utilized with him prior. It was stated that the situation would be looked over during the 1970 year, and if possible, recommendations as to the solution would be made.

Discussion then centered on the possibility of the Glen Whitby right being absorbed into the Hanksville Canal Company. It was pointed out that the controversy over the Whitby right could only be finally settled by a proposed determination but that until that time he could be taken into the company, have stock issued on his amount of water, and have proper filings made to cover the transfer. This would be settled as to the final amount in the adjudication.

A motion was made and seconded that Mr. Grant Chappell be appointed commissioner for 1970. Judge Erickson then stated that he would appoint him, and a discussion of salary ensued. Mr. Chappell indicated that he was going to ask for a raise but that he would forego it due to the deletion of the Garkane Power Company.

The motion was then made that the budget be established for 1970 at \$2,400, with the assessment at \$2,000. The motion was seconded.

The judge then stated that the next meeting would be held the first Monday in April of 1971 at 2:00 p.m. at the Wayne County Courthouse, Loa, Utah.

Those attending the meeting were: Judge Ferdinand Erickson, District Court  
Donald Norseth, State Engineer's Office  
Frank Reese, State Engineer's Office  
Kenward McKinney, State Engineer's Office  
James B. Wells, Garkane Power Assoc.  
Glenn Whitby, Hanksville Canal Co.  
Reo Hunt, Hanksville Canal Co.  
Talmage Jensen, Water User  
John V. Christensen, Christensen Ranch  
Deloy Curtis, Torrey Irrigation Co.  
Gerald Curtis, Torrey Irrigation Co.  
Clyde Behunin, Self & Torrey Irr. Co.  
Grant Chappell, Commissioner  
*Herbert C. Lambert*

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(Those attending continued)

W. Franklin Wallace, Capitol Reef  
National Monument, Superintendent  
Thomas O. Parker, Asst. Reg. Solicitor,  
U. S. Dept. of the Interior  
Leo D. Jackson, Caineville Canal Co.  
Don W. Pace, Torrey Irr. Co., Secretary

There being no further business, the meeting was adjourned.

cc: Frank Reese  
cc: Kenward McKinney  
cc: Ferdinand Erickson  
cc: James B. Wells  
cc: Garkane Power Company  
cc: Grant Chappell